

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOSE ALBERTO FONSECA PINA and  
ROGELIO VIGIL,

Plaintiffs,

v.

CON-WAY FREIGHT INC. and DOES 1  
through 20, inclusive,  
Defendants.

Case No. C 10-00100 JSW Related to C-  
09-3670 JSW

~~PROPOSED~~ ORDER STAYING  
ACTION, CONTINUING STATUS  
CONFERENCE AND VACATING  
HEARING DATE OF MOTION FOR  
SUMMARY JUDGMENT WITHOUT  
PREJUDICE

JORGE R. QUEZADA, individually, and on  
behalf of all others similarly situated,

Plaintiff,

v.

CON-WAY FREIGHT INC.,

Defendant.

Case No. C-09-3670 JSW Related to C 10-  
00100 JSW

**TO ALL PARTIES AND COUNSEL OF RECORD:**

Having received, read and considered the parties' March 8, 2012 Stipulation To Stay  
Action, Continue Status Conference And Withdraw Motion For Summary Judgment Without  
Prejudice,

1 **IT IS HEREBY ORDERED** that:

- 2 1. All proceedings in *Pina v. Con-way* Case No. C 10-00100 JSW are stayed pending  
 3 the disposition of the appeal in *Dilts v. Penske*, Case No. 12-55705 (“*Dilts*”)  
 4 provided that either party may request that the Court set a review hearing at which  
 5 the Court may consider whether circumstances warrant continuing the stay in the  
 6 absence of a disposition in *Dilts*. This stipulation does not affect Con-Way’s  
 7 contested request for a stay in *Quezada v. Con-way*, C-09-3670 JSW (“*Quezada*”).  
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- 9 2. Consistent with the issuance of the stay ordered herein, and in view of Con-Way’s  
 10 contested pending motion to stay the *Quezada* action which is scheduled for March  
 11 29, 2013 the Initial Case Management Conference in *Quezada* is continued to  
 12 May 3, 2013 at 1:30 p.m..
- 13 3. The hearing date of Plaintiff Pina’s motion for summary judgment is vacated  
 14 and the motion is HEREBY STRICKEN  
 15 without prejudice to Pina’s filing a renewed motion for summary judgment, or Con-  
 16 Way’s filing of its own motion for summary judgment following the dissolution of  
 17 the stay.

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 19 Dated: March 12, 2013

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 JEFFREY S. WHITE  
 UNITED STATES DISTRICT JUDGE